

**NOTE: DISTRICT COURT ORDER PROHIBITING PUBLICATION OF
NAME, ADDRESS, OCCUPATION OR IDENTIFYING PARTICULARS OF
THE COMPLAINANT PURSUANT TO S 202 OF THE CRIMINAL
PROCEDURE ACT 2011 REMAINS IN FORCE.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 43/2026
[2026] NZSC 108**

BETWEEN **LEITH NIGEL CASTLE**
Applicant

AND **THE KING**
Respondent

Court: Ellen France, Kós and Cooke JJ

Counsel: Applicant in person
J G Fenton for Respondent

Judgment: 17 August 2026

JUDGMENT OF THE COURT

- A The application for an extension of time for leave to appeal
is granted.**
- B The application for leave to appeal is dismissed.**
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REASONS

[1] Mr Castle faced one charge of burglary and 11 charges of breaching a protection order. He pleaded guilty to the burglary charge but took the protection order charges to jury trial in the District Court. Those charges were based on text messages he had sent to the complainant, in whose favour the protection order was made.

The jury found that the texts breached that order, without reasonable excuse. Mr Castle was sentenced to three years' imprisonment on all charges.¹

[2] Mr Castle appealed unsuccessfully to the Court of Appeal against conviction and sentence in relation to his convictions for breaches of the protection order.² He represented himself there, as he does here. He argued: first, the District Court Judge should have recused himself due to prior involvement with Mr Castle in the Family Court (and because he ran the trial unfairly against Mr Castle); secondly, the police did not provide adequate disclosure; thirdly, he was wrongfully prevented from calling several witnesses at trial; and fourthly, the Judge erred by finding certain documents irrelevant and inadmissible (and by determining this without Mr Castle being present).³ Underpinning these grounds is Mr Castle's objection that the protection order is "flawed and corrupt", and that the District Court Judge "corrupted [his] trial" and denied him a fair trial.

[3] The Court of Appeal rejected his conviction appeal, finding none of the grounds had any legal substance.⁴ As Mr Castle's sentence appeal relied entirely on his conviction appeal, this too was dismissed.⁵

[4] Mr Castle now seeks leave to appeal to this Court on essentially the same grounds, submitting the alleged errors resulted in an unfair trial — including due to a "corrupt conspiracy" between the lower Courts, the police and the complainant — and give rise to a substantial miscarriage of justice. Again, Mr Castle seeks also to appeal his sentence on the basis that his protection order convictions were wrongful.

Discussion

[5] Mr Castle filed his application for leave to appeal out of time. The delay is explained and there is no prejudice. We grant his application for an extension of time.

¹ Family Violence Act 2018, ss 90(b) and 112(1)(a) and (3); Crimes Act 1961, s 231(1)(b); and *R v Castle* [2024] NZDC 20740 (Judge Greig).

² *Castle v R* [2025] NZCA 539 (Mallon, Whata and Venning JJ).

³ Mr Castle also had a fifth ground that he no longer pursues: that the Judge wrongly directed the jury on matters relating to the creation of the protection order and relating to his excuse for texting the complainant (and only initially argued the second limb before abandoning it): at [13] and [47].

⁴ At [22]–[27], [35]–[39] and [40]–[46].

⁵ At [48].

[6] We however see no appearance of a substantial miscarriage of justice arising in this case and nothing indicates the Court of Appeal erred in its analysis.⁶ Nothing about the Judge's previous involvement in Mr Castle's protection order issues or his conduct at trial suggests he lacked impartiality and should have recused himself. Mr Castle has not established anything that suggests the Court of Appeal erred in finding the police had complied with its disclosure obligations. Nor has he raised anything which indicates the Court erred in finding that the evidence sought to be admitted from the proposed witnesses and documents would have been inadmissible.

[7] Nothing therefore points to there having been an unfair trial or substantial miscarriage of justice in relation to Mr Castle's proposed conviction appeal or the sentence appeal reliant on it. We consider it not necessary in the interests of justice to hear or determine this proposed appeal.⁷

Result

[8] The application for an extension of time for leave to appeal is granted.

[9] The application for leave to appeal is dismissed.

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

⁶ Senior Courts Act 2016, s 74(2)(b).

⁷ Section 74(1).